

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

BOBBY J. GOLDEN

PLAINTIFF

VERSUS

CASE NO. 1:06cv1006LG-JMR

HARRISON COUNTY, MISSISSIPPI;  
SHERIFF GEORGE PAYNE, OFFICIALLY  
AND IN HIS INDIVIDUAL CAPACITY;  
LEE OATIS JACKSON, OFFICIALLY AND  
IN HIS INDIVIDUAL CAPACITY; MAJOR  
DIANNE GASTON-RILEY, OFFICIALLY  
AND IN HER INDIVIDUAL CAPACITY;  
CAPTAIN RICK GASTON, BOOKING  
SUPERVISOR, OFFICIALLY AND IN HIS  
INDIVIDUAL CAPACITY; CAPTAIN  
PHILLIP TAYLOR, OFFICIALLY AND IN  
HIS INDIVIDUAL CAPACITY; JOHN DOES  
1-5, OFFICIALLY AND IN THEIR INDIVIDUAL  
CAPACITY

DEFENDANTS

STATE OF MISSISSIPPI

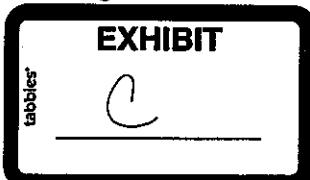
COUNTY OF HARRISON

**AFFIDAVIT OF CAPTAIN PHIL TAYLOR  
HARRISON COUNTY SHERIFF'S OFFICE**

PERSONALLY CAME AND APPEARED BEFORE ME the undersigned authority  
in and for the County and State aforesaid, the within named, PHIL TAYLOR, who, after first  
being duly sworn by me on his oath, did depose and state the following:

1. My name is PHIL TAYLOR, and I am over the age of twenty-one (21) years.

I am a Captain with the Harrison County Sheriff's Office. I have personal  
knowledge of the matters and facts contained in this Affidavit and I am

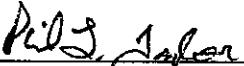


- competent to testify to the matters stated herein.
2. On February 26, 2005, I was the Administrative Captain at the Harrison County Adult Detention Center.
  3. On February 28, 2005, at approx. 8:00 a.m., I was informed by Officer Carson that several inmates had been given extra food trays by an officer as payment for assaulting an inmate. Carson informed me that the alleged assaulted inmate was Bobby Golden. I immediately instructed Carson to escort Golden to my office.
  4. I interviewed inmate Golden about the incident and it was alleged that on Saturday, February 26, 2005, while he was sleeping in the day room of B/F he was awakened by being beaten by several inmates.
  5. Inmate Golden further alleged that on Sunday, February 27, 2005, Officer Lee Jackson who was in the sally port of B-block, and instructed Golden to go to the exercise yard. Golden stated that upon entering the exercise yard, Officer Jackson asked him questions about the incident between Golden and Nadia Cenales, the ex-girlfriend of Officer Jackson and the mother of three of his children. Golden further alleged that Jackson began to scream and assaulted Golden.
  6. I learned that Golden had already been moved to segregation in B Block, C Section. I instructed Officer Carson to immediately escort Golden to medical, wherein Plaintiff was examined by medical staff and he was placed on the doctor's call list for the next day.
  7. Deputy Geas was instructed to investigate Golden's allegations. Geas interviewed several of the inmates and presented pictures of the juveniles

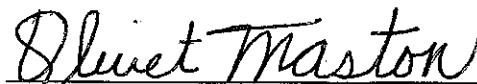
that were housed in relevant sections for identification purposes; however, only one inmate revealed the likely suspect. The suspects were interviewed and all denied any involvement in this assault.

8. At no time was I aware of any potential risk of harm to Plaintiff's health or safety, nor was I aware of any facts from which the inference could be drawn that a substantial risk of serious harm existed as to inmate Golden.
9. As stated above, immediately upon being informed of allegations that the Plaintiff was assaulted by other inmates, I had Plaintiff examined by medical staff.
10. As a result of these events, I prepared a written report detailing Golden's allegations and my findings, a copy of this report is attached hereto as **Exhibit "1"**. This document is one typically prepared in the course of my duties as a Administrative Captain at the Harrison County Adult Detention Center and was prepared near or at the time of the incident, and it fairly and accurately represents the facts know to me at that time.

I certify the above declaration is true and correct under penalty of perjury.

  
\_\_\_\_\_  
Affiant/Phil Taylor  
Harrison County, Mississippi

Sworn to and subscribed before me on this 7<sup>th</sup> day of July 2008.

  
\_\_\_\_\_  
OLIVET MASTON

My Commission Expires:

(SEAL)



## HARRISON COUNTY SHERIFF'S DEPARTMENT

GEORGE PAYNE, SHERIFF

<input type="checkbox"/> Juvenile Involved	Harrison County Sheriff's Office NARRATIVE FORM		Case # :
<input checked="" type="checkbox"/> Original Report <input type="checkbox"/> Offense Supplement <input type="checkbox"/> Custody Supplement	Type Incident/Crime Alleged Officer Misconduct	Date of This Report February 28, 2005	Date of Original Report February 28, 2005
	Suspect / Victim Name (Inmate) Golden, Bobby Joe #269383	List Complaint Numbers of Connected Case	

On February 28, 2005 at approximately 0800 hours I was informed by FTO Shayne Carson that he had received information which indicated that several inmates had been given extra food trays by an officer as payment for assaulting an inmate. FTO Carson then informed me that the alleged assaulted inmate was Golden, Bobby. I immediately instructed FTO Carson to escort inmate Golden to my office. After entering my office I began questioning Inmate Golden about the alleged incident. Inmate Golden informed me that he had been assaulted by several juvenile inmates. I then asked Golden to start from the beginning of the assault. Inmate Golden then stated that on Saturday February 26, 2005 he was sleeping on the dayroom of B/F and was awakened by being beaten by several inmates. Golden states that after being assaulted he asked the officer assigned to the section what happened. The officer then informed him that he had been jumped by the juveniles. Golden then asked the officer where was he when the inmates jumped him. The officer informed him that he had been outside while the assault took place. The assigned officer on this date was Officer Michael Tippets.

Inmate Golden then stated that on Sunday February 27, 2005 Officer Lee Jackson was in the sally port of B-block. Officer Jackson instructed him (Golden) to go to the exercise yard. After arriving at the exercise yard Officer Jackson began asking him questions about what happened between him (Golden) and Nadia Cenales. Golden stated that Ms. Cenales is the ex-girlfriend of Officer Jackson and the mother of three of his children. Golden went on to say that Ms. Cenales was the person whom he was involved in the domestic altercation. While explaining what happened between them Officer Jackson screamed and told Inmate Golden that he was lying and proceeded to put on a pair of black gloves. According to Golden Jackson began beating him until he fell to the ground. After falling to the ground he was kicked repeatedly. Jackson then instructed him to get up and after Golden stood to his feet Officer Jackson left the exercise

<b>DISPOSITION</b>	
A. Cleared Adult Arrest	<input type="checkbox"/>
B. Cleared Exceptional Adult	<input type="checkbox"/>
C. Cleared Juvenile Custody	<input type="checkbox"/>
D. Cleared Exceptional Juvenile	<input type="checkbox"/>
E. Unfounded	<input type="checkbox"/>
F. Other-Cleared Exceptional	<input type="checkbox"/>
G. Suspended Closed	<input type="checkbox"/>

Reporting Officer:	Division	Reviewing Supervisor	Disposition Date
No. 018 Name: Capt. P. Taylor	Corrections	No. Name:	

White = Records Canary = Agency Use Pink = Court/Detectives Gold = Shift Capt / Jail Page \_\_\_ of \_\_\_

EXHIBIT

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**HARRISON COUNTY SHERIFF'S DEPARTMENT**

GEORGE PAYNE, SHERIFF

yard. Golden states that he was later moved to segregation in B/C.

After speaking to inmate Golden I instructed FTO Carson to escort him to medical to be examined for injuries. Medical then placed inmate Golden on doctor's call for March 1, 2005. I then instructed Officer Geas who speaks with and checks on the juvenile inmates daily to inquire with all juvenile inmates and attempt to determine which juvenile inmates had actually assaulted Inmate Golden. (See attached report from Geas) **END OF REPORT**

**HARRISON COUNTY SHERIFF'S DEPARTMENT****GEORGE PAYNE, SHERIFF**

<input type="checkbox"/> Juvenile Involved	Harrison County Sheriff's Office NARRATIVE FORM		Case #
<input checked="" type="checkbox"/> Original Report <input type="checkbox"/> Offense Supplement <input type="checkbox"/> Custody Supplement	Type Incident/Crime: Informational	Date of This Report 3/1/05	Date of Original Report 3/1/05
	Suspect/Victim Name: Golden, Bobby Doc# 269382	List Complaint Numbers of Connected Case	

February 28, 2005 to March 1<sup>st</sup>, 2005 Deputy Geas #322 conducted an informal investigation of allegations made by inmate Bobby Golden Docket # 269382 concerning assault by juveniles on the person of inmate Bobby Golden. Inmate Golden was placed in BC-221 for his (Golden) protection on February 27<sup>th</sup>, 2005.

On February 28, 2005, I Deputy Geas #332 was conducting disciplinary hearings and opened a cell to speak with another inmate and noticed inmate Golden's condition. Deputy Geas #322 asked what happened to the inmate?

Inmate Golden went on to explain that while in the classification unit he (Golden) was assaulted by three to four juveniles who jumped him (Golden) by hitting him (Golden) in the head and stomping on his (Golden) ribsPrior to entering the lockdown unit Deputy Geas #322 spoke with several juvenile inmates and was given information of at least two names to speak with. Deputy Geas #322 got their names and interviewed inmate Willie Bridges Doc #268827 and inmate Darrell Walker Doc# 267630. Inmate Bridges denied any involvement, which later in the investigation proved to be true. Inmate Walker after some discussion gave some names and denied any involvement in this matter until later found in the investigation that inmate Walker was one of the primary aggressors against inmate Golden.

On February 28, 2005 inmate Golden was interviewed by Captain Taylor, while on the phone, inmate Golden informed Deputy Geas #322 that an inmate in the classification unit could possibly be a witness but only knew the inmate by the first name of Michael. Deputy Geas #322 got a copy first of the classification movement sheet and determined that inmate Michael Barbour Doc #269285 was a potential witness.

On February 28, 2005 at approximately 1700 hours Deputy Geas #322 went to D-block and asked inmate Barbour if he (Barbour) knew about any juveniles assaulting an inmate. Inmate Barbour stated, "Yes I (Barbour) do, it was a terrible thing they did to that old man". At this time Deputy Geas #322 then made the decision to escort inmate Barbour to Captain Taylor's office for further conversation and investigation by Captain Taylor. Inmate Barbour described a black juvenile with floppy hair that lived in the bottom cell #147, later identified as inmate John E. Kennedy Jr. Doc #257015 as the ring leader of the assault on inmate Golden. Captain Taylor then completed the interview with this inmate.

On March 1<sup>st</sup>, 2005 Deputy Geas #322 continued the investigation into the assault on inmate Golden. Deputy Geas #322 then spoke with several inmates that were in B-block classification unit or been moved to other blocks throughout the facility. Each inmate was shown 16 pictures of the juveniles housed in B-block, F-section for identification purposes. Only one inmate could definitely identify the four juveniles involved in this incident.

At 0900 Deputy Geas #322 interviewed the following inmates one at a time and separately in the disciplinary office. Each

<b>DISPOSITION</b>	
A. Cleared Adult Arrest	<input type="checkbox"/>
B. Cleared Exceptional Adult	<input type="checkbox"/>
C. Cleared Juvenile Custody	<input type="checkbox"/>
D. Cleared Exceptional Juvenile	<input type="checkbox"/>
E. Unfounded	<input type="checkbox"/>
F. Other-Cleared Exceptional	<input type="checkbox"/>
G. Suspended Closed	<input type="checkbox"/>

Reporting Officer No: 322	Division Corrections	Reviewing Supervisor No: 151 Name: Taylor	Disposition Date 3/1/05
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## HARRISON COUNTY SHERIFF'S DEPARTMENT

GEORGE PAYNE, SHERIFF

inmate was informed that no one was in trouble and that this was an investigation into alleged abuse on a fellow inmate.

Inmate Le, Trong Doc #269331 was the first questioned by Deputy Geas #322. Inmate Trong stated, " We were moved to the back of the section near the section bathroom so that we couldn't have contact with any juveniles. It was funny inmate Golden was never wakened or told to move, I (Trong) thought this was weird. Then the juveniles came in from the yard and into the section fast and four black males attacked inmate Golden, punching and kicking the man making him (Golden) bleed. A white officer just stood there and watched and didn't try to stop the fight. A young skinny tall black officer looked into the section and then left and didn't say anything.

Inmate Kenneth Kenzierski Doc # 269379 was interviewed and stated, " I (Kenzierski) was asleep when inmate Golden stepped on him (Kenzierski) trying to avoid the juveniles attacking him (Golden) Inmate Kenzierski was unable to identify any of the juveniles attacking inmate Golden.

Inmate Richard Foxworth Doc #269377 was interviewed and stated, "I (Foxworth) was told by inmate Kennedy, the kid with big mouth that they jumped inmate Golden because this was inmate Kennedy's aunt. Inmate Golden kept asking the inmates to stop. The officer let it go on for a few minutes before stopping the incident. The officer was a medium built white officer.

Inmate Jerrod Lee Doc #269355 was interviewed last down in B-block, rover room. Inmate Lee stated, "The inmates were paid extra food trays to assault the old man. It appeared to me (Lee) that the officers had been talking to each other about this because one of them mentioned that this was his babies momma. One officer was medium built and white the other was tall, gray haired, wearing glasses and black. Prior to the juveniles returning from the yard all of the adults were ordered to stand over by cell-148 so they couldn't have contact with the juveniles. The only one that wasn't told to move was inmate Golden who was by the door sleeping. As the juveniles came in from the yard four them jumped inmate Golden stomping, kicking and punching him (Golden) causing bleeding to the head area. The officers didn't appear to stop it.

Inmate Lee picked out four juveniles inmates via a picture lineup and identified the following juveniles:

John E. Kennedy Jr. 257015  
Henry Lindsey 266339  
Walker, Darrell 267630  
Blakney, Germaine 268397

All four of these juveniles were questioned concerning this incident on 2/28/05 and denied any involvement. Copies of pictures included. Captain Taylor #18 notified. End of report.